

### REMARKS

Claims 9-16, 27 and 29-30 have been previously canceled. Claims 1-8, 17-26, 28 and 31-32 are pending. No new matter has been added as a result of these amendments.

### NOTICE OF ABANDONMENT

A petition to revive an unintentionally abandoned patent application is included herewith. Regarding the notice of abandonment of 6/17/2008, and in particular paragraph 7, Applicants' attorney John P. Wagner, Jr. has no recollection of confirming abandonment of the instant patent application during a conversation with Examiner Ho or any other Examiner.

### CLAIM REJECTIONS - 35 U.S.C. §103(a)

#### Obviousness Requirements

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Applicants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Additionally, per MPEP 2141(III), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” In re Kahn, 441 F. 3d 977, 988 as cited by KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. \_\_\_, 82 USPQ2d at 1396 (2007).

Claims 1, 2, 4-8, 31, and 32

Claims 1, 2, 4-8, 31, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,864,753 to Morita et al. (“Morita”) in view of US Patent application 2007/0142945 to Beckmann et al. (“Beckmann”). Applicants have reviewed the above cited art and respectfully submit that the embodiments recited in Claims 1, 2, 4-8, 31, and 32 are patentable over the cited references for at least the following rationale.

Attention is directed to independent Claim 1, which recites (emphasis added):

A location-specific frequency tuning system comprising:

- a location unit;
- a wireless interface to a wide area network;
- a user interface;
- a mobile receiving unit tuned to receive a broadcast signal based on a selected frequency provided as input to the mobile receiving unit; and
- a frequency selection unit coupled to said mobile receiving unit, said frequency selection unit receiving a current location from the location unit, receiving tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic regions through the wireless interface at the current location from a database on the wide area network, selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies, generating a menu comprising each of said plurality of arranged frequencies and descriptions of specific broadcast format information corresponding to each of said plurality of arranged frequencies, outputting said menu to a user through said user interface, selecting one of said plurality of arranged frequencies

based on a user selection, and tuning said mobile receiving unit to said selected arranged frequency.

Claims 2 and 4-8 depend from Claim 1 and recite further features to the embodiment of Claim 1.

Per Applicants' understanding, Morita describes scheduling a requested program (col. 3, line 56 - col. 4, line 8) and automatically sequencing a selection of programs at a sequence of particular times (col. 4, lines 16-46). However, per Applicants' understanding, Morita is silent regarding "selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies," as recited in Claim 1. Moreover, the Rejection (page 3, line 10 - page 4, line 2 appears to agree that Morita is silent with respect to this feature which is recited in Claim 1.

Applicants submit that neither Beckmann nor the combination of Morita in view of Beckmann cures the deficiencies noted above with Morita, nor does the Rejection explain the differences between the cited art and Claim 1 and why Claim 1 as a whole would be obvious in spite of the differences. Per Applicants' understanding, Beckmann may teach in paragraph 0042, that an external computer system (20) coupled with a radio (10) can "scan the broadcast frequency spectrum and assemble a list of available radio stations by noting the frequency and by measuring signal strength of received signals or a suggested list of radio stations, based on location information such a zip code...,

(emphasis added). Additionally, per Applicants' understanding, Beckmann may teach, in paragraph 0058, that “initial preset assignment of broadcast radio stations is done automatically ... by a computer program running on computer system 20...” For example, according to Beckmann’s paragraph 0058, a computer 20 directs a tuner 12 to scan frequencies and strong signals are assigned to presets, where the strongest signals for users preferred formats may be assigned to the presets.

While Beckmann may arrange frequencies by signal strength or a list based upon a single location, nothing in Beckmann teaches or suggests “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 1. To the contrary, Beckmann specifically describes either arranging scanned frequencies by signal strength or providing a suggested list of radio stations based upon location information such as a zip code. Thus Beckmann describes only one action or the other action, but not both. Additionally, Beckmann does not appear to describe anything resembling mobility of its system. As such, it is apparent that, in Beckmann, a list of frequencies by location refers to a single location, such as a zip code of Beckmann’s system, rather than a plurality of “geographic areas” as recited in Claim 1. Moreover, the Rejection contains no explanation which articulates or explains why the above noted differences between the cited art and the claimed features of Claim 1 would have been obvious to one of ordinary skill in the art.

Thus, Applicants submit that neither Morita or Beckman, either alone or in combination, teaches or suggests “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 1.

Further, the Rejection’s rationale for combining Beckmann with Morita to render Claim 1 obvious is stated on page 5 of the Rejection as, “[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Morita et al with Beckmann et al to include the above menu system in order to provide improved interactive sound reproducing as suggested by Beckmann et al (see paragraph 4).”

Applicants submit that this rationale is, at best, conclusory. As indicated in MPEP 2141, *In re Kahn*, and KSR, such conclusory rationale is inappropriate, what is instead required (but not provided) is an articulated reasoning with a rational underpinning for the combining of Morita in view of Beckman. Moreover, Applicants submit that the Morita and Beckmann appear to have been combined based upon use of the Applicants’ claim language as a template for hindsight reconstruction, rather than for any rationally described reason.

As such, Applicants submit that Claim 1 is allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of Beckmann. Hence, it is respectfully submitted that dependent Claims 2, 4-8, 31, and 32, which depend from Claim 1, are also

patentable over Morita in view of Beckmann for at least the reasons discussed above and by virtue of their dependence from allowable independent Claim 1.

Claim 2 (3?)

On page 6, line 19 - page 20, line 11 of the Rejection, Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Beckmann and further in view of U.S. Patent No. 6,374,177 to Lee et al. ("Lee"). In the interest of furthering prosecution, Applicants are proceeding as if this is a rejection of Claim 3, as the features described in this rejection are those of Claim 3 rather than those of Claim 2. Applicants have reviewed the above cited art and respectfully submit that the embodiment recited in Claim 3 is patentable over the cited references for at least the following rationale.

Claim 3 depends from independent Claim 1 and adds further features to those of Claim 1. As described above, neither Morita, nor Beckmann, nor the combination of Morita in view of Beckmann teaches or suggests the embodiment of Claim 1. Applicants submit that the combination of Morita in view of Beckmann and further in view of Lee fails to cure the above described deficiencies of Morita and Beckmann.

Applicants understand Lee to describe that if a vehicle moves out of the geographic area used in the original configuration and so loses signal from its local stations a user may *manually request* from the multimedia device a *recalibration* of local audio stations (see col. 14 lines 46 - 59 of Lee). The location of the vehicle from the GPS receiver is sent to the gateway and a new set of local stations are transferred back to the

device from the gateway broadcaster database (see col. 14 lines 46 - 59 of Lee).

Applicants further understand Lee to teach that if the playing station experiences a set amount of drift, that event will *automatically trigger a request for a local station recalibration* (see col. 14 lines 46 - 59 of Lee). Finally, Applicants understand Lee to further teach *requesting* from the broadcaster database at the gateway a *list of any other receivable stations* that are currently broadcasting the same programming as the fading station (see col. 14 lines 46 - 59 of Lee).

However, Applicants do not understand Lee (or the combination of Morita in view of Beckmann further in view of Lee) to teach or suggest “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 1.

As such, Applicants submit that Claim 1 is allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of Beckmann and further in view of Lee. Hence, it is respectfully submitted that dependent Claim 3 which depends from Claim 1, is also patentable over Morita in view of Beckmann and further in view of Lee for at least the reasons discussed above and by virtue dependence from allowable independent Claim 1.

Claims 17, 18, 20-26 and 28

Claims 17, 18, 20-26 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Beckmann and further in view of U.S. Patent No. 5,640,896 to Ishikawa et al. (“Ishikawa”). Applicants have reviewed the above cited art and respectfully submit that the embodiments recited in Claims 17, 18, 20-26 and 28 are patentable over the cited references for at least the following rationale.

Attention is directed to independent Claim 17, which recites, in part (emphasis added):

A method of tuning location-specific frequency data in a mobile signal receiving unit using a frequency selection unit coupled to said mobile signal receiving unit, said method comprising...

...selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas, said localized tuning data corresponding to signals having several broadcast forms;

arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas...

Claims 18, 20-26 and 28 depend from Claim 17 and recite further features to the embodiment of Claim 17.

As described above with respect to Claim 1, per Applicants’ understanding, Morita describes scheduling a requested program (col. 3, line 56 - col. 4, line 8) and automatically sequencing a selection of programs at a sequence of particular times (col. 4, lines 16-46). However, per Applicants’ understanding, Morita is silent regarding “selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality



of reception areas ...arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas,” as recited in Claim 17 and similarly in the previously discussed Claim 1. Moreover, the Rejection (page 8, lines 7 - 11) appears to agree that Morita is silent with respect to this feature which is recited in Claim 17.

Applicants submit that neither Beckmann nor the combination of Morita in view of Beckmann cures the deficiencies noted above with Morita, nor does the Rejection explain the differences between the cited art and Claim 17 and why Claim 17 as a whole would be obvious in spite of the differences. Reference is made to the discussion of Claim 1 (above which includes a similar features to those of Claim 17).

As described above in the discussion of Claim 1, Beckmann specifically describes either arranging scanned frequencies by signal strength OR providing a suggested list of radio stations based upon location information such as a zip code. Thus Beckmann describes only one action or the other action, but not both. Additionally, Beckmann does not appear to describe anything resembling mobility of its system. As such, it is apparent that, in Beckmann, a list of frequencies by location refers to a single location, such as a zip code of Beckmann’s system, rather than a plurality of “geographic areas” as recited in Claim 17. Moreover, the Rejection contains no explanation which articulates or explains why the above noted differences between the cited art and the claimed features of Claim 17 would have been obvious to one of ordinary skill in the art.

Thus, Applicants submit that neither Morita or Beckman, either alone or in combination, teaches or suggests selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas ...arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas,” as recited in Claim 17 and similarly in the previously discussed Claim 1.

Moreover, Applicants submit that neither Ishikawa nor the combination of Morita in view of Beckmann and further in view of Ishikawa cures the deficiencies noted above with Morita in view of Beckmann, nor does the Rejection explain the differences between the cited art and Claim 17 and why Claim 17 as a whole would be obvious in spite of the differences.

The Rejection did not rely upon Ishikawa to render obvious “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 17. Moreover, per Applicants’ understanding, nothing in Ishikawa teaches or suggests this feature of Claim 17. Instead, while a grid with numerous locations is maintained, signal strengths and format scanning appear to be performed only for a grid location in which a mobile unit is currently located. For example, “... the grid is reset

before the format scanning operation....,” col. 9, lines 7 - 11 of Ishikawa. Moreover, format scanning of Ishikawa appears to be limited to a single user-specified format (see, e.g., col. 7, lines 45 - 61). Thus Ishikawa’s teachings run counter to “arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 17.

As such, Applicants submit that Claim 17 is allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of Beckmann and further in view of Ishikawa. Hence, it is respectfully submitted that dependent Claims 18, 20-26 and 28, which depend from Claim 17, are also patentable over Morita in view of Beckmann and further in view of Ishikawa for at least the reasons discussed above and by virtue of their dependence from allowable independent Claim 17.

#### Claim 19

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Beckmann and further in view of Ishikawa and further in view of Lee.

Applicants have reviewed the above cited art and respectfully submit that the embodiment recited in Claim 19 is patentable over the cited references for at least the following rationale.

Claim 19 depends from independent Claim 17 and adds further features to those of Claim 17. As described above, neither Morita, nor Beckmann, nor Ishikawa, nor the combination of Morita in view of Beckmann in view of Ishikawa teaches or suggests the

embodiment of Claim 17. Applicants submit that the combination of Morita in view of Beckmann in view of Ishikawa and further in view of Lee fails to cure the above described deficiencies of Morita, Beckmann, and Ishikawa for the same reasons as previously discussed above with respect to Claim 3.

In particular, Applicants do not understand Lee (or the combination of Morita in view of Beckmann and further in view of Lee) to describe “selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas ...arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas,” as recited in Claim 17 and similarly in the previously discussed Claim 1.

As such, Applicants submit that Claim 17 is allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of Beckmann and further in view of Lee. Hence, it is respectfully submitted that dependent Claim 19 which depends from Claim 17, is also patentable over Morita in view of Beckmann in view of Ishikawa and further in view of Lee for at least the reasons discussed above and by virtue dependence from allowable independent Claims 17 and 1.


### CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 1-8, 17-26, 28 and 31-32 overcome the rejections of record. Therefore, allowance of Claims 1-8, 17-26, 28 and 31-32 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,  
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